

**Town of Rockport Planning Board
Meeting Minutes
Thursday, November 21~~st~~, 2019 – 5:30 p.m.**

Geoffrey C. Parker Conference Room
Rockport Opera House
Meeting Televised on Channel 22
Streamed on Livestream.com

Board Members Present: Chair Sternowski, Vice Chair John Viehman,
Ted Skowronski, Louis A. Laquaglia, Clark Doran, Tom
Laurent, Victoria Condon (Alt)

Board Absent: Jim Ostheimer

Staff present: Planning and Development Director Bill Najpauer

Chair Sternowski called the meeting to order at 5:30 PM and introduced the mission of the Planning Board

Item #1. Pre-Application by pine Gate Renewables Property under lease agreement located at 8 Fisk Lane Map 13 Lot 15 to install a solar project

The applicant introduced himself as a Maine based environmental consultant out of Portland in support of Pine Gate renewables. The size of the project was discussed as being 2 mega watts in size. It was explained that the project was a result of LD1711 which is the Act to Promote Solar Energy Projects and Distribute Green Resources in Maine. The interconnection will be road side along Rt 17. Meadow habitat will be preserved under the panels. Pine Gate stated that they are looking forward to working with the Town on this project.

The Board asked about the projected timeline of the project. Pine Gate stated that they are hoping to get through permitting by spring and be fully operational by 2020.

Chair Sternowski stated that the project was located in the 908 district which is zoned Rural, and that the project could fit under public utility facility section of the ordinance. There are no restrictions on the size or lot coverage of nonresidential structures under the 908-district zoning ordinance.

It was questioned whether this was a private or public company. Pine Gate explained that the company itself is privately owned but the power produced falls under public Utility Commission's jurisdiction.

Pine Gate was asked to pinpoint their location on the map and the location of the abutting residences. The single residence on the South East side of the proposal was shown, and the rest of the project is surrounded by trees. Pine Gate has not yet reached out to any abutting neighbors. More residences were located to the North of the proposal, and the Planning Board stated the importance of talking to the neighbors. Pine Gate stated that after the process of presenting the Pre-Application that they planned on hosting a community meeting about the proposed project where anyone of interest could come learn more and ask questions.

Other concerns were potential noise from the transformers, the potential security of the facility, and landscape vistas. Concerns about protecting the view from Rt. 17 were discussed. The decommissioning process was explained as well as upcoming opportunities for educating the public on Solar farms and renewable energy such as hosting schools at the proposal site.

The community meeting and presentation is planned for mid-December/January.

There were more questions pertaining to the size of the project, in particular how much energy production is projected and how many residences would the solar farm be capable of powering. It was explained that the 2 Mega Watts produced is approximate to powering 270 homes and that thanks to LD 1711 the power sold will remain in state. The Planning Board inquired if LD 1711 was driving the timeline of the project in which Pine Gate responded that yes, rule making (referencing LD 1711) is currently happening and by July 2020 procurement will happen if all permits are granted.

Item #2. Consideration of an application submitted by Marga & Stephen Hutchinson for the property at 6 Robinson Drive, map 16 Lot 95 to operate a Family Childcare business at their home.

The project was described as a family childcare business to operate in the residence Monday through Friday 7 AM to 5 PM. State licensing is pending. There will be up to 12 children ages 3-5.

MOTION: Viehman moved that the Chapter 1300 Site Plan Review application is complete. Laurent seconded.

CARRIED 7-0-0

There was a question as to the potential for the traffic impact during the morning commute. The applicant explained that the plan was to operate the childcare operation 7 AM to 5 PM and that children are typically dropped off in a sporadic manner and that the driveway is circular. The maximum amount of time to drop off a child is 10 minutes.

Chair Sternowski closed the public hearing as there were no more comments and questions.

MOTION: Viehman moved that the Board finds that the project meets the zoning requirements for allowable use in the 904 district. Laurent seconded.

Discussion:

The project falls under the definition of "Child Care Center" under chapter 300 of the Land Use Ordinance. It is a conditional use under the discretion of the Planning Board.

It was asked of the applicant as to what they would do if enrollment interest reached 12 or more children. The applicant answered that if enrollment were to reach those numbers that they would then look for an alternative location to lease.

CARRIED 7-0-0

MOTION: Viehman moved that the project meets Performance Standards 1305 and 800 of Rockport's Land Use Ordinance. Laquaglia seconded.

Discussion:

The building already exists and was previously used for commercial purposes. Minor interior remodeling needed, no change to exterior beyond playground that will be added and fenced in and that fence will be constructed to blend into the environment. The operation is set back from the road and the toys and equipment will not differ from those found at a typical residence. There is a circular driveway which allows parking onsite.

CARRIED 7-0-0

MOTION: Viehman moved that the proposal meets section 1000 Architect Review and Landscape standards of Rockport's Land Use Ordinance. Laquaglia seconded.

Discussion:

No changes proposed to exterior. Home is currently landscaped. The existing circular driveway allows for the parking space standard of one space per four children.

CARRIED 7-0-0

MOTION: Viehman moved to accept the application of Hutchinson located at 6 Robinson Drive to operate a child care facility on site.

Discussion-

Laurent wanted to know if the permit should be granted on a conditional basis based on DHHS approval. Najpauer explained that it was a separate permit under the Fire Marshal and state licensing and that the site plan review process covers all of the Board's requirements at Planning Board level.

CARRIED 7-0-0

Item #3. Consideration of an application submitted by Gartley & Dorsky for the property owned by 20 Central Street LLC located at 20 Central Street, Map 29 Lot 293 to construct a new 35- room hotel.

The hearing initiated with the Board recessing to review new information that was presented earlier that evening.

William Gartley, Tyler Smith and Stuart Smith were there to represent 20 Central LLC which proposes to construct a hotel in the 913 district. It was determined that hotels up to 40 rooms were allowed according to the Land Use Ordinance standards for that district, making this a permissible use. Allowable building height is 50 feet from sidewalk to rooftop, and 40 feet to eve line.

An overview of submitted materials was reviewed, including a letter from Maine water stating that there was existing adequate water supply. The landscape plan was included in the submission, along with a site plan depicting location of hotel, parking and a list of abutters. The proposal states that the building will be located all on one lot.

Tyler Smith discussed the site walk visit prior to the meeting and presented historic photos and graphic representation of the proposed hotel site and what it has looked like under past development. A rendering was shown with the three current buildings along the block and the proposed eve line in relation to the existing architecture which is ordinance driven and in compliance with code.

The building will be situated 12-15 feet back from the sidewalk, and ADA access was shown on the plans. The lot drops off 20 feet back behind the building back down to the parking lot behind it. The third floor of the proposed building will be considered the ground floor. The bar will be on the top floor and will be partially enclosed.

In regards to lighting standards, Tyler Smith spoke that the lighting at the proposed location will be similar to the hotel that the developer built in Camden located at 16 Bayview Street. The lighting will be installed for both navigation and aesthetic purposes. Some lighting will be on a timer from dusk to 11 PM with the ability for customers to turn them off if desired. Fixtures will not be visible from the ground floor. Some landscape lighting will be included. In the back of the building decks will be illuminated from above. Rendering presented to the Board included numbers corresponding to fixture description in plans.

An overview of the landscaping plan was presented, and the landscaping will allow better ADA access into the lobby. The landscaping out front will provide greenery all year round and overgrowth will be prevented.

Height of building was determined to be within Ordinance standards, including allowable mechanical space above the max height for which the hotel's elevator shaft will be extended above the roof height which is allowable under the 918 ordinance standards. The developer stated that the shaft will blend in aesthetically with the rest of the rooftop. Some ventilation will protrude from the top of the roof but will be painted to match.

The actual structure of the building will be steel with concrete poured floors. A historic looking brick façade will be installed, and the first floor will feature a paneled surface. The roof will appear flat but still be pitched enough to manage water.

It was asked if the building is designed to flow with the other buildings along that block. The developers stated that it was designed with historical elements in mind and to blend into the block. The first-floor panels will be Azek or wood paneling.

Signage would comply with the 20 square foot ordinance for that district and any signage in the back will comply with the Town's mounted sign ordinance.

It was asked if there was music planned at the rooftop bar and if it was enclosed enough to prevent noise from being an issue. The developer stated that in Camden they addressed this issue by only allowing acoustic music in which they will do the same in Rockport.

It was noted that individual mini split air conditioning units will be installed on roof deck. Access down Main Street and parking was discussed, and measurements were given regarding turning from Sandy's Way onto Main Street. Width of street in comparison to other two-way streets in the district was discussed as being consistent, and utilities were pointed out in parking area along with the Hotel's proposed grease trap location. The proposed grease trap will be larger than the one on site that is currently being used for the two existing restaurants. Forty-nine (49) parking spaces are currently located in the private lot behind the block of buildings. The Board asked if the windows in the rooms themselves could be open in which the developer responded that they can.

Sewer will be connected to the line located behind the proposed building. There were questions from the Board in regards to the completeness of the application. It was asked that the developer clarify the number of seats and how many of those seats would be seasonal to which the developer answered that one third of proposed seating will be seasonal only.

It was discussed that the letter from Maine Water is not clear that the infrastructure would meet requirements. The Size of the water line will be determined. Sprinkler will likely be 6 inches in diameter. Adequate flow test is pending, and the developer plans to negotiate easement with the Town in regard to the sewer line behind the building. The size of the proposed grease trap will be 1500 gallons.

The Fire Department has no serious concerns as long as the landscaping does not interfere with code. There was concern expressed by the Police Dept regarding the loading zone in front of Nina June restaurant could potentially cause a blind corner on Main Street. Najpuer clarified that the Police Department is suggesting at some point that the loading zone should be moved to a different area along Main St. There have previously been two crashes in the area over a long period of time. It is being recommended to the Town for further discussion.

Chair Sternowski asked about the width of Main Street. Gartley responded that the width of Main St. is 19.1 ft wide, compared with Central St. which is 19.7 ft wide between parked cars.

Najpauer stated that the town would schedule a test of the sewer pump and that it would likely be completed within the next two weeks.

Mike Young had submitted that in his opinion, the intersection can remain as is from a public works perspective. Drainage was addressed in the site plan.

MOTION: Viehman moved that the application submitted by Gartley & Dorsky for the property owned by 20 Central Street LLC located at 20 Central Street, Map 29 Lot 293 to construct a 35 room hotel is complete. Skowronski seconded.
CARRIED 7-0-0

Chair Sternowski opened the Public Hearing section of the meeting.

Three letters were received, and the Board has copies and comments to be entered into the record.

Mike Hampton identified himself as a resident of Rockport. He stated that he had concerns about the amount of parking and the overall aesthetics of the building. He wishes to hear more solutions from the developer pertaining to the parking issue. He felt that more details were needed on the overall size and detail of the project. Chair Sternowski asked Hampton to clarify if he was concerned with design and detail or just the overall size of the project in which Hampton answered that it was size as the building seems quite large. Regarding design Hampton stated that he was concerned about the balconies as they did not seem as they kept with the vernacular of Rockport on the street side.

John Priestly, a local resident and Architect, had a question for the Board regarding the history of site plan review for the proposed lot and past developments.

Chair Sternowski confirmed that he had the opportunity to look at the history of the lot and surrounding developments but has not shared his findings with the Board.

Priestly went on to his concerns about the ordinances and how the Planning board plans on applying the standards and cited the YMCA site plan and how parking was addressed as in parking is assigned to particular projects. Existing parking spaces are there because they were required as past site plan review for all of the projects that came before this. He views this as an attempt to ignore the obligation and the work of the Planning Board review of previous projects and ignore the intent of the ordinance and reassign the spaces to the new project even though they are already spoken for. When existing businesses are considered then there are not enough parking spaces to meet ordinance standards. Priestly stated that he does not want to come off as anti-development but has worked on a project previously to develop that lot and it included

parking at the basement level, in addition to what was already there, as well as less intensity of use in comparison to the current proposal. They were still able to develop a plan in accordance with standards and produce a profit.

A resident who resides at 6 Homestead Lane kindly asked how many people in the room had experienced 16 Bayview and to raise their hands if they have. He proceeded to tell the board that he believes this development would be progress for the Town as 18 Central and Nina June bring people to the area. He is in strong support of the proposal especially by someone as experienced as Stuart Smith. He encouraged everyone to check out 16 Bayview in Camden and to see the quality of the development.

A resident located at 9 Central street wished to hear how this proposal will impact the park itself and the trees there in particular. He stated that he has a vacation rental with views and the construction and destruction of the park is of great concern to him. The Board responded that there is no proposed development to Mary Lee park. Parking concerns were reiterated.

A Rockport Resident named Lisa stated that she had concerns about the parking situation, as well as concerns about the look of the proposed balconies. She wanted to know if they would look like the balconies at 16 Bayview in Camden. She would like to keep with the small town look and is wondering how that will be addressed.

A resident named Betsy spoke of concerns over parking and wanted the Board to realize that they are in the process of building a new Library and that the Select Board chose not to require additional parking because they concluded that there is so much parking downtown, including behind the Shepard's Block which is not true as its private parking. Hotel Guests will be entitled to use them but its limited to those guests. Parking concerns also include cars riding around looking for parking and the Hotel will add competition to those who are looking for parking spots.

Jennie Lynn Cooper, a Rockport resident, was curious as to what will happen to existing businesses and the impact on the block with the buildings being absorbed by this project. She clarified her statement and asked if this building was planned on being separate from the others. Tyler Smith interjected that there are no current plans to combine the buildings.

Taylor Allen of West Rockport and owner of Rockport Marine which is an abutter to the project spoke in big support to this plan and hopes that the Board will ultimately approve it.

Paula Goodride Aramatrout spoke of concerns about traffic and parking especially delivery trucks. She inquired as to the plans regarding the current outdoor dining area at 18 Central. Tyler Smith spoke that the plan was to eventually remove the outdoor dining area from the side of the building to the back, but ultimately that was a separate project.

Following comments received online were read to the Board:

A resident had questioned the location of the ADA entrance and its location in relation to the required ADA parking.

A resident asked where is the required traffic study if there is a traffic study required.

A resident had concerns about the height of the building as their understanding of the application shows the building to be more than the 50 foot ordinance standard.

A resident had concerns of the over extension of park and beach areas and how this is not addressed, and how this proposal will destroy property values. They feel that the Board asked more from the Solar guys.

A resident stated that parking is insufficient for hotel and staff never mind the restaurant and bars.

Michal Morse, a Summer St. resident, wants to understand how traffic patterns will be impacted by people parking and dropping their bags off and entering the Hotel.

With that the Public Comment portion of the meeting was brought to an end and the Board moved onto reviewing the Compliance of performance standards.

Zoning District Review- project fits within zoning district 913 downtown district. The Board referenced table section 900 which does allow Hotel. Note 9 in the section references size stating that no more than 40 room are allowed. No further discussion.

MOTION: Laquaglia moved that this is consistent with the zoning review and that a hotel project fits within the 913 zoning district. Laurent seconded.

CARRIED 7-0-0

801 Soil and Erosion Control- the proposal is outside of Shoreland zoning but standard DEP erosion practices will take place by any earth workers.

801.2 Security Bond to Town – Bill Najpauer stated that one is not required for this project.

The Board asked how much excavation will take place. The developer stated that the lower level of the building will not go all the way back to the lot because of ledge. Existing soil will be removed at parking lot level back to ledge which is about ½ to 2/3rds of the way back. No blasting will happen, but some ledge may be removed. Erosion and Sedimentation Control will be done using Best Practices.

801.3 Water Quality of Discharge – no plan to discharge wastewater.

801.4 Surface Storm Water Drainage- existing grates in parking lot and street level. A storm water system was previously installed which will be used with this project. Storm water will stay within private system and easements are in place with town and Fish and Ships LLC. A representative with Fish and Ships stated that stormwater that discharges

on their parking lot is from an unknown source. They recommend that it would be worth it to investigate and better understand the system.

801.5 Clear Cutting – not applicable.

801.6 Nuisances - It was asked if laundry was to be done onsite and if there were any associated smells.

The developer stated that laundry will be done on site, but plans may change. Laundry will not emit noticeable odors and that there are no issues at existing sites. Music will not be amplified at the rooftop restaurant and hours will comply with noise ordinances.

The Lighting plan does not include changes to parking lot lighting. Viehman raised concerns that the lights installed on the side of the building not be positioned as to reflect into the street. The developers stated that parking lot lights will be hard scrimmed in regards to property lines and all lighting will comply with Town ordinances. The balconies will have two sources of illumination including one with an auto shut off feature. Project will not feature any blinking lights.

801.8 - Exposed areas – N/A as there will be no external storage sheds, machinery, etc.

802 - not applicable

803 Traffic circulation and access street designs. Off street parking and loading standards require 2 parking spaces plus 1 parking space for each room making the project requirement be 37 spaces total which is addressed in the application. Restaurant would require 28 spaces. Peak times for the lobby restaurant and rooftop restaurant will not coincide.

The Board asked as to the number of employees would be required of the operation during the summer months. Eric Andersen, General Manager of 16 Bayview, spoke to projected staffing requirements explaining that at any given time 8-12 members of staff would be required during peak operation and as little as 5 in the offseason. He explained that these numbers were inclusive of the hotel. He spoke to the nature of the menu and how it is not intended to replicate 18 Central or Nina June. The proposed restaurant is intended to bring in locals and tourist, not just guest staying in the hotel. The rooftop bar will be of similar size to 16 Bayview which currently seats 40, and the downstairs restaurant and bar area has seating for 20, 35 if combined with standing room. 16 Bayview typically experiences 3 turns per tables resulting in approximately 120 guests per night on the busiest day.

The Board had a question pertaining to when the developer expects to experience maximum capacity. They stated that 16 Bayview is running at 30% occupancy currently with 56% during the weekends. These are offseason numbers. They are not expecting the same volume initially here in Rockport as 16 Bayview will likely take 5 years to plateau at market rate and Rockport is projected to take longer to reach that level.

The discussion reverted back to parking. Joe went through previous site plan reviews, including one from 2008 and two from 2012. He spoke to the number of spaces allocated to each proposal. There was concern that all of the spaces behind the hotel are already spoken for. Chair Sternowski stated that he feels that he could not make an accurate evaluation based on current information and encouraged the developer to come back to the Board with more information on current uses along the block and the current required parking for each.

Tom Laurent asked about projections beyond the 50 ft. Maximum requirement on the building. Bill Najpauer advised that you can go 6 ft. beyond the maximum roof specification with mechanical projections.

Viehman commented that the Town owns a big lot close by which is partially used for boat storage and wondered if this could be used in calculations pertaining to this project. Najpauer answered and stated that they are looking at pre engineering to develop it into parking but that its not something that will happen very quickly. After some more discussion it was reiterated that the developer come back with more information about current requirements and in comparison, to the needs of the new hotel as a baseline for the board to make their determination.

804, 806, 807, 808, 809, 810, 812, and 813 all are not applicable to the project.

Traffic study does not apply to section 803.3, it only applies to the Routes 1 and Route 90 corridors. The developer stated that there are no projected issues with check in and check out traffic.

Section 1000- Detail Performance Standards

Landscaping plans were submitted. Rear landscaping will be planter based and seasonal. Landscaping around existing parking areas features wild bushes around parking lot. No changes are going to be made.

Architecture Review Standards- in regards to public comments made about the balconies, the developer stated that railings will be wrought iron and the balconies will not go over sidewalk as they do at 16 Bayview. The railings will feature a flat black powder finish. It was determined that no other buildings downtown feature wrought iron I- beams, the overall project is developed with the idea that it will flow harmoniously with existing developments and surroundings. When asked about room sized the developer explained that street side rooms will be smaller then the ocean view rooms which will feature full bathrooms. All rooms will have balconies. There were no further suggested changes in plans.

Roof design is permitted, brick façade will blend with existing neighborhood, no awnings are planned, instead the front doors will be inset to protect guests from the elements.

1004.2 exceptions to Parking Lot Design and Landscaping was read which states that exceptions can be made when peak parking is not assigned. John Viehman stated that

shared parking shall be allowed for this project. If there are peaks in demand and you propose shared parking in your follow-up, please describe it.

John Viehman referenced the Comprehensive Plan. He spoke of the encouragement of economic development in the plan. He referred to the town's policy stated in the plan for business and economic growth. The five historic villages are identified as candidates for growth.

In final regards to public comments, the Board concluded that noise and height of building proposals meet ordinance standards, and that generally the hotel fits within the Town's comprehensive plan to attract economic growth, community vitality and health. Tyler Smith noted a comment from public comments regarding ADA parking. ADA spaces will be located in the back of the building with ADA access provided there.

MOTION: Laurent moved to approve a continuance with the applicant coming back to the board with more information on the following:

- Parking- 1004 Shared Parking
- Stormwater
- Pump/Sewer test and Hydrant test

Viehman seconded.

CARRIED 7-0-0

Item #4 Meeting Minutes- No Minutes to review

New Business – none

Item #5 Adjournment

MOTION: Laquaglia motioned to adjourn at **X:XX** PM. Victoria Condon seconded.

CARRIED 7-0-0